IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 8618 of 2004

Date of decision : December , 2007

Nachhatter Singh @ Chhittar

..... Petitioner

through Mr.Sanjay Kaushal, Advocate

v.

State of Haryana and others,

..... Respondents

through Mr.Ashish Kapoor, Addl.A.G Haryana for respondents No.1,2 & 4.

Mr.Amandeep Singh, Advocate for respondent No.3.

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE RAJIVE BHALLA

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1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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RAJIVE BHALLA,J

Challenge in this writ petition is to the notifications, issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short herein after referred to as "the Act"), dated 27.3.2001 and 26.3.2002 respectively.

Counsel for the petitioner submits that admittedly the petitioner has constructed a house. The respondents, while defending challenge to these acquisition proceedings, in CWP Nos.11350 of 2003, and 11185 of 2004, conducted a survey of the land and found a large number of houses in existence. They consequently released these houses. It is further submitted that the petitioner's house adjoins a block of houses that have not been

acquired. It is, therefore, prayed that the petitioner's `A' class house be released from acquisition.

Counsel for the respondent-State of Haryana, on the other hand, submits that while considering the release of houses, constructed on the acquired land, it came to the notice of the Government that a large number of houses were situated in close proximity and formed five compact blocks. These houses were, therefore, recommended for release from acquisition. The petitioner's house is an isolated structure and does not fall within any of the above blocks and can, therefore, not be released from acquisition. As regards the contention that houses, adjoining the petitioner's house, have not been acquired, it is submitted that these houses were not acquired, as they are situated across a rivulet that falls between the petitioner's house and these houses. It is further submitted that similar writ petitions, namely, CWP Nos.14468 of 2002, 10338 of 2004, 2799 of 2006 and 6198 of 2007, wherein houses fell outside the five blocks, have already been dismissed. The petitioner's case is covered by the decision in the aforementioned writ petitions and should, therefore, be dismissed.

We have heard learned counsel for the parties and perused the paper book.

In order to verify the correctness of the above assertions, we directed the State to carry out an on the spot survey of the petitioner's house. In compliance to our directions, Shri Amrik Singh, District Town Planner, Panchkula filed an affidavit, dated 30.11.2007, based upon a demarcation, along with a layout plan (Annexure R1). We have perused the affidavit and the plan. The petitioner's house does not fall within any of five blocks of houses that have been released by the respondents. The plea that his

house is situated in close proximity to unacquired houses, and should, therefore, be released, in our considered opinion, is without merit. The petitioner cannot claim parity with land/houses that have not been acquired. These houses are situated across a seasonal rivulet that lies between the petitioner's house and these houses. The petitioner's house is an isolated structure and, therefore, can not be released. The controversy in the present writ petition is squarely covered against the petitioner by our judgment, in CWP No.14468 of 2002, Om Parkash and others vs State of Haryana and others, decided on 6.11.2007, wherein a plea for release of houses scattered around the acquired land was rejected.

As a result, the present writ petition is dismissed with no order as to costs.

(RAJIVE BHALLA)
JUDGE

(UMA NATH SINGH)
JUDGE

December 19, 2007
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